

STAFF REPORT

PLANNING COMMISSION MEETING

MEETING DATE: May 4, 2020 [Continued from April 20, 2020]
SUBJECT: Scripps Health, Resolution PC 20-4867 for the Proposed Vacation of Right-of-Way for Portions of Echo Lane and Former Discovery Street
CASE NUMBER: PA 20-0004
APN's: 221-142-19-00, 221-142-20-00, 221-142-22-00, 221-080-18-00

Recommendation

ADOPT or APPROVE the following, in the order set forth below:

1. ADOPTION of Categorical Exemption EX20-062 per CEQA Section 15305, Class 5 (Minor Alterations in Land Use Limitations);
2. APPROVE Resolution PC 20-4867 (Planning Activity 20-0004) Recommending City Council Consider the Vacation of Right-of-Way for Portions of Echo Lane and Former Discovery Street

Introduction

Tentative Subdivision Map (TSM) 16-001 is located west of S. Twin Oaks Valley Road, east of Craven Road, and north of the future alignment of Discovery Street (Attachment A). The TSM proposes the subdivision of ten existing parcels totaling 87.46 acres to create 12 new lots for future development, including office/commercial, residential, a potential school site, stormwater basins, and common and open space uses. TSM 16-001 also proposes the vacation of excess street right-of-way as depicted in Attachment B. TSM 16-001 was recommended by Planning Commission for approval on February 5, 2018 and approved by City Council on March 13, 2018 as City Council Resolution 2018-8467. The attached Resolution PC 20-4867 will formalize a recommendation to City Council to vacate the portion of Echo Lane and the portion of former Discovery Street shown to be vacated on approved TSM 16-001.

Discussion

The proposed street vacations along portions of Echo Lane and former Discovery Street are depicted on TSM 16-001. The rights-of-way were established in 1895 on Map 806 for Rancho Los Vallecitos de San Marcos, via documents recorded in 1968 and 1970, and via Parcel Map 16595 recorded in 1991. These rights-of-way are inconsistent with the current General Plan and with the ultimate realignment of Discovery Street. Portions of Echo Lane and Myrtle Avenue within adjacent TSM 16-003 were summarily vacated with the recordation of Document 2020-0078174 on February 14, 2020.

In accordance with California Streets and Highways Code (CSHC) Section 8313 and Government Code Section 65402, the local planning agency is required to consider the proposed vacation action and to report on the conformity with the adopted general plan. Staff reviewed the limits of the proposed right-of-way vacation, the road and utility infrastructure as existing and as proposed per Tentative Subdivision Map 16-001, and the General Plan. Staff concluded that a public road is not needed along the portion of Echo Lane to be vacated. Likewise, a public road is not needed along the portion of former Discovery Street to be vacated.

Following Planning Commission's consideration of consistency of the proposed vacation with the General Plan, City Council may adopt a Resolution of Intention to Vacate, complete proper noticing and required reservation of rights for utilities, and consider the matter at a duly-noticed public hearing in accordance with CSHC 8320. City Council may authorize the City Manager to convey the vacated and abandoned portions to the adjoining property owners following recordation of a Resolution of Vacation.

The attached Resolution PC 20-4867 recommends that City Council consider the vacation and abandonment of the portions of Echo Lane and former Discovery Street as shown on TSM 16-001.

Environmental Review

In accordance with the California Environmental Quality Act (CEQA), the proposed summary vacation is deemed Categorical Exempt (EX20-062) pursuant to Section 15305 Class 5 (Minor Alterations in Land Use Limitations), in that this is a minor realignment of right-of-way.

Attachments:

Adopting Resolution:

1. Resolution PC 20-4867 (Planning Activity 20-0004) - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS RECOMMENDING CITY COUNCIL CONSIDERATION OF THE VACATION OF RIGHT-OF-WAY FOR THE PORTIONS OF ECHO LANE AND FORMER DISCOVERY STREET LOCATED WITHIN PREVIOUSLY APPROVED TENTATIVE SUBDIVISION MAP TSM 16-001 INCLUDING EXHIBIT A: STREET VACATION LEGAL DESCRIPTION AND EXHIBIT B: PLAT OF SUMMARY STREET VACATION

A. Vicinity Map

B. Vacation Reference Map

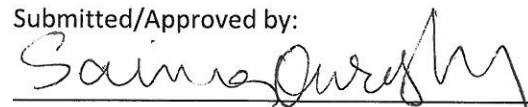
Prepared by:


Stephanie Kellar, Principal Civil Engineer

Reviewed by:


Matt Little, City Engineer

Submitted/Approved by:


Saima Qureshy, Principal Planner

RESOLUTION PC 20-4867

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN MARCOS RECOMMENDING CITY COUNCIL CONSIDERATION OF THE VACATION OF RIGHT-OF-WAY FOR THE PORTIONS OF ECHO LANE AND FORMER DISCOVERY STREET LOCATED WITHIN PREVIOUSLY APPROVED TENTATIVE SUBDIVISION MAP TSM 16-001

PA20-0004
Scripps Health

WHEREAS, previously approved Tentative Subdivision Map (TSM) 16-001 proposes the vacation and abandonment of right-of-way for the portions of Echo Lane and former Discovery Street, located west of S. Twin Oaks Valley Road, east of Craven Road, and north of the future alignment of Discovery Street and more particularly described as:

0 Echo Lane and 0 Discovery Street

PORTIONS OF LOTS 1, 2, 3, AND 4 OF BLOCK 67, TOGETHER WITH THE PORTION OF UNNAMED STREET (ECHO LANE) LYING BETWEEN BLOCKS 63 AND 67, OF RANCHO LOS VALLECITOS DE SAN MARCOS, ACCORDING TO MAP THEREOF 806 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 21, 1895 AND PARCEL A OF MAP NO. 16595, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON AUGUST 22, 1991.

Assessor's Parcel Numbers: 221-142-19-00, 221-142-20-00, 221-142-22-00, 221-080-18-00

WHEREAS, on March 13, 2018, the City Council approved Tentative Subdivision Map TSM 16-001, in conjunction with Conditional Use Permit 17-004 and Grading Variance 17-005 for the H.G. Fenton Development Co., LLC development at a duly advertised public hearing held in the manner prescribed by law; and

WHEREAS, portions of right-of-way for former Discovery Street within TSM 16-001 were dedicated on Map 806 recorded on December 21, 1895; Map 16595 recorded on August 22, 1991; File/Page No. 32002 of official records recorded February 26, 1968; File/Page No. 32003 of official records recorded February 26, 1968; and Document 111928 recorded June 26, 1970; and

WHEREAS, portions of right-of-way for Echo Lane were dedicated on Map 806 recorded on December 21, 1895 and on Document 32003 recorded February 26, 1968; and

WHEREAS, Section 8324 of the Streets and Highways Code states that a legislative body may vacate a street found unnecessary for present or prospective public use; and

WHEREAS, Section 8340 of the Streets and Highways Code provides that in a proceeding to vacate a street or highway, a public entity may reserve and except from the vacation the easement and right at any time, or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures in, upon, over, and across a street or highway proposed to be vacated and, pursuant to any existing franchise or renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew, and enlarge lines of pipe, conduits, cables, wires, poles, and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, railroad lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, and water, and for incidental purposes, including access to protect these works from all hazards in, upon, and over the street or highway proposed to be vacated; and

WHEREAS, Section 8313(a) of the Streets and Highways Code states that the Planning Commission shall review the vacation and report on its conformance with the General Plan; and

WHEREAS, Section 65402 of the Government Code requires that the Planning Commission report to the City Council as to whether the disposal of real property conforms with the City's General Plan; and

WHEREAS, vacation of the portions of the public street right-of-way as proposed would remove the encumbrances from the title, thereby allowing the affected property owner to improve said portions of the property; and

WHEREAS, on April 20, 2020, the Planning Commission held a duly noticed public hearing in the manner prescribed by law and continued the request to the May 4, 2020 Planning Commission Meeting; and

WHEREAS, on at a regularly-scheduled and duly noticed meeting held on May 4, 2020, the Planning Commission did consider the proposed summary vacation of street right-of-way; and

WHEREAS, the Planning Commission did review and consider a Categorical Exemption (EX20-062) pursuant to the California Environmental Quality Act (CEQA) Section 15305, Class 5 (Minor Alterations in Land Use Limitations) with respect to such proposed summary vacation.

NOW, THEREFORE, the Planning Commission does hereby resolve as follows:

- A. The foregoing recitals are true and correct, and are hereby incorporated by reference into this Resolution.

- B. The Planning Commission hereby recommends that the City Council consider the vacation of this public street right-of-way, as described and shown on the attached Exhibits A and B, incorporated by reference and made a part of this Resolution as though fully set forth herein, by issuing a Notice of Intention to Vacate and setting a public hearing date for the proposed vacation.
- C. The Planning Commission's decision is based on the following findings and determinations:
1. The proposed right-of-way vacation is consistent with the City's General Plan.
 2. The proposed right-of-way vacation complies with the objectives of the adopted City-wide Land Use Policy Plan.
 3. The affected right-of-way is hereby determined to be unnecessary for present and prospective use as a roadway.
 4. The proposed right-of-way vacation will not be detrimental to the public health, safety, and welfare.
 5. All requirements of CEQA have been met, in that the proposed project is Categorically Exempt from environmental review pursuant to CEQA Section 15305, Class 5 (Minor Alterations in Land Use Limitations) in that this is a minor realignment of right-of-way.
- D. The proposed right-of-way vacation is Categorically Exempt (EX20-062) from environmental review pursuant to Section 15305, Class 5 (Minor Alterations in Land Use Limitations).
- E. To the extent permitted by law, the applicant/developer shall defend and hold the City of San Marcos, its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the applicant/developer or its contractors, subcontractors, agents, employees or other persons acting on applicant/developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. The applicant/developer further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of San Marcos, California, at a regular meeting thereof, held on this 4th day of May, 2020 by the following roll call vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSENT: COMMISSIONERS:

APPROVED:

Eric Flodine, Chairman

ATTEST:

Gina Henderson, Senior Office Specialist

Exhibits:

Exhibit A – Street Vacation Legal Description (Portions of former Discovery Street and Echo Lane)

Exhibit B – Plat of Summary Street Vacation (Portions of former Discovery Street and Echo Lane)

EXHIBIT "A"
STREET VACATION
LEGAL DESCRIPTION

PARCEL "A"

DISCOVERY STREET AS DEDICATED TO THE PUBLIC PER PARCEL MAP NO. 16595, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE SAN DIEGO COUNTY RECORDER AUGUST 22, 1991.


DOUGLAS B. STROUP
HUNSAKER & ASSOCIATES SAN DIEGO, INC.

11/20/19
P.L.S. 8553



PARCEL "E"

THE UNNAMED STREET (ECHO LANE) LYING BETWEEN BLOCKS 63 AND 67 OF THE RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 21, 1895, LYING NORTHERLY OF THE EASTERLY CONTINUATION OF THAT CERTAIN 1349.00 FOOT RADIUS CURVE SHOWN AND DESCRIBED AS "C4" PER PARCEL C OF CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 31, 2018 AS DOC. NO. 2018-0455997, OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THE HEREINABOVE DESCRIBED PARCEL OF LAND THE EASTERLY AND WESTERLY 13.00 FEET AS PREVIOUSLY VACATED AND CLOSED TO PUBLIC USE ON JANUARY 17, 1927 BY ORDER OF THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY, A CERTIFIED COPY OF WHICH SAID ORDER WAS RECORDED JANUARY 22, 1927 IN BOOK 1315, PAGE 107, OF DEEDS.


DOUGLAS B. STROUP
HUNSAKER & ASSOCIATES SAN DIEGO, INC.


11/20/19
P.L.S. 8553



PARCEL "F"

THE SOUTH HALF OF THE UNNAMED STREET (DISCOVERY STREET) ADJOINING LOTS 1, 2, 3, AND 4 OF BLOCK 67 OF THE RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 21, 1895.

EXCEPTING THEREFROM THE HEREINABOVE DESCRIBED PARCEL OF LAND THE SOUTHERLY 13.00 FEET AS PREVIOUSLY VACATED AND CLOSED TO PUBLIC USE ON JANUARY 17, 1927 BY ORDER OF THE BOARD OF SUPERVISORS OF SAN DIEGO COUNTY, A CERTIFIED COPY OF WHICH SAID ORDER WAS RECORDED JANUARY 22, 1927 IN BOOK 1315, PAGE 107, OF DEEDS.



DOUGLAS B. STROUP
HUNSAKER & ASSOCIATES SAN DIEGO, INC.

11/20/19
P.L.S. 8553



PARCEL "H"

THAT PORTION OF LOT 3 IN BLOCK 67 OF THE RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 21, 1895 TOGETHER WITH THOSE PORTIONS OF THE UNNAMED STREETS VACATED AND CLOSED TO PUBLIC USE BY ORDER OF THE BOARD OF SUPERVISORS ADJOINING SAID LOTS BEING MORE PARTICULARLY DESCRIBED AS PARCEL 1 OF THAT CERTAIN EASEMENT FOR PUBLIC HIGHWAY RECORDED FEBRUARY 26, 1968 AS FILE/PAGE NO. 32002, OF OFFICIAL RECORDS.


DOUGLAS B. STROUP
HUNSAKER & ASSOCIATES SAN DIEGO, INC.

11/20/19
P.L.S. 8553



PARCEL "I"

THOSE PORTIONS OF LOTS 1 AND 2 IN BLOCK 67 OF THE RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 21, 1895 TOGETHER WITH THOSE PORTIONS OF THE UNNAMED STREETS VACATED AND CLOSED TO PUBLIC USE BY ORDER OF THE BOARD OF SUPERVISORS ADJOINING SAID LOTS BEING MORE PARTICULARLY DESCRIBED AS PARCELS 2 AND 4 OF THAT CERTAIN EASEMENT FOR PUBLIC HIGHWAY RECORDED FEBRUARY 26, 1968 AS FILE/PAGE NO. 32003, LYING NORTHERLY OF THE EASTERLY CONTINUATION OF THAT CERTAIN 1349.00 FOOT RADIUS CURVE SHOWN AND DESCRIBED AS "C4" PER PARCEL C OF CERTIFICATE OF COMPLIANCE RECORDED OCTOBER 31, 2018 AS DOC. NO. 2018-0455997, OF OFFICIAL RECORDS.


DOUGLAS B. STROUP
HUNSAKER & ASSOCIATES SAN DIEGO, INC.


P.L.S. 8553



PARCEL "J"

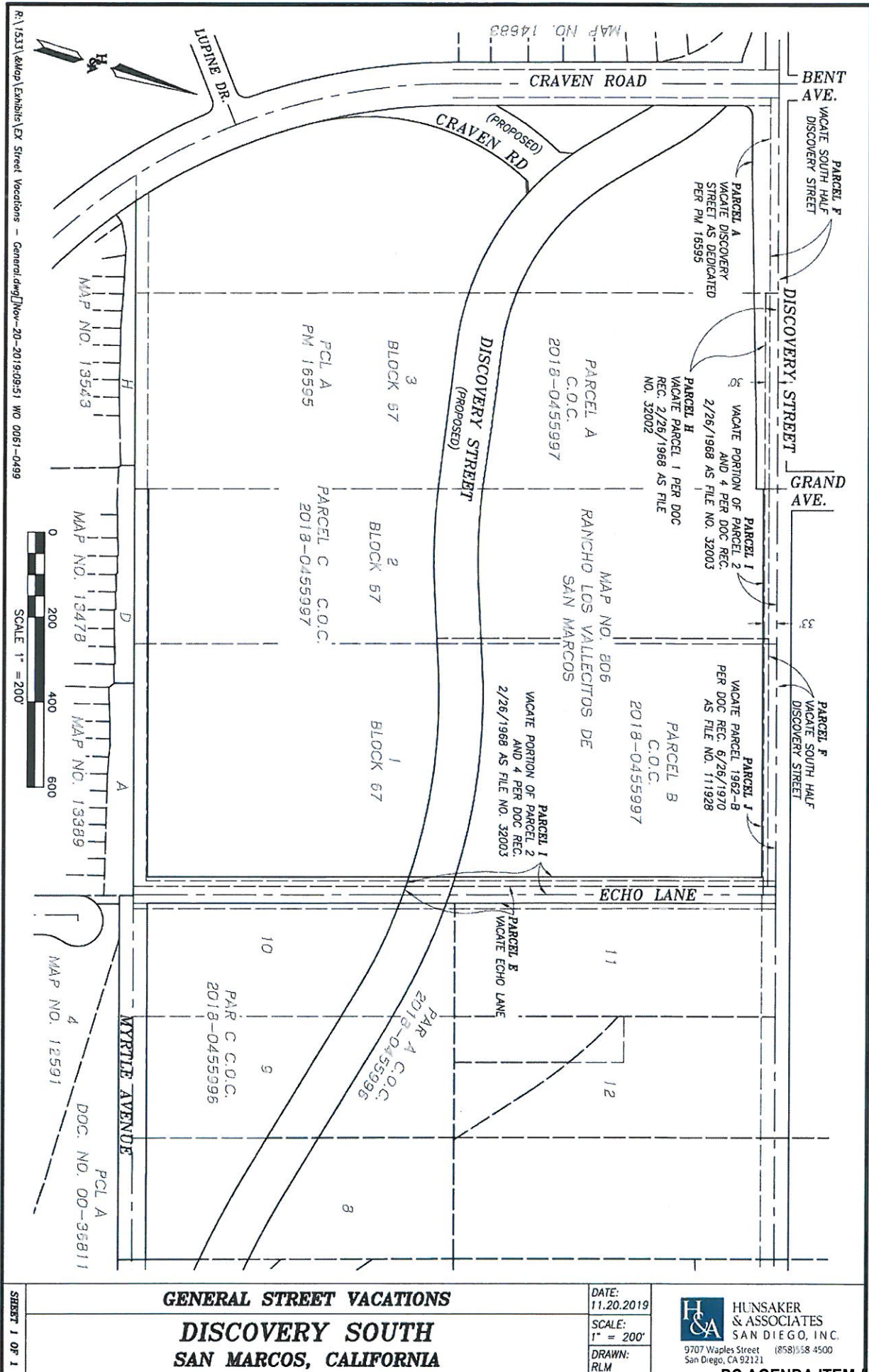
THOSE PORTIONS OF LOTS 1 AND 2 IN BLOCK 67 OF THE RANCHO LOS VALLECITOS DE SAN MARCOS, IN THE CITY OF SAN MARCOS, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 806 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY DECEMBER 21, 1895 TOGETHER WITH THAT PORTION OF THE UNNAMED STREET VACATED AND CLOSED TO PUBLIC USE BY ORDER OF THE BOARD OF SUPERVISORS ADJOINING SAID LOTS BEING MORE PARTICULARLY DESCRIBED AS PARCEL 1962-B OF THAT CERTAIN EASEMENT FOR PUBLIC HIGHWAY RECORDED JUNE 26, 1970 AS FILE/PAGE NO. 111928, OF OFFICIAL RECORDS.


DOUGLAS B. STROUP
HUNSAKER & ASSOCIATES SAN DIEGO, INC.

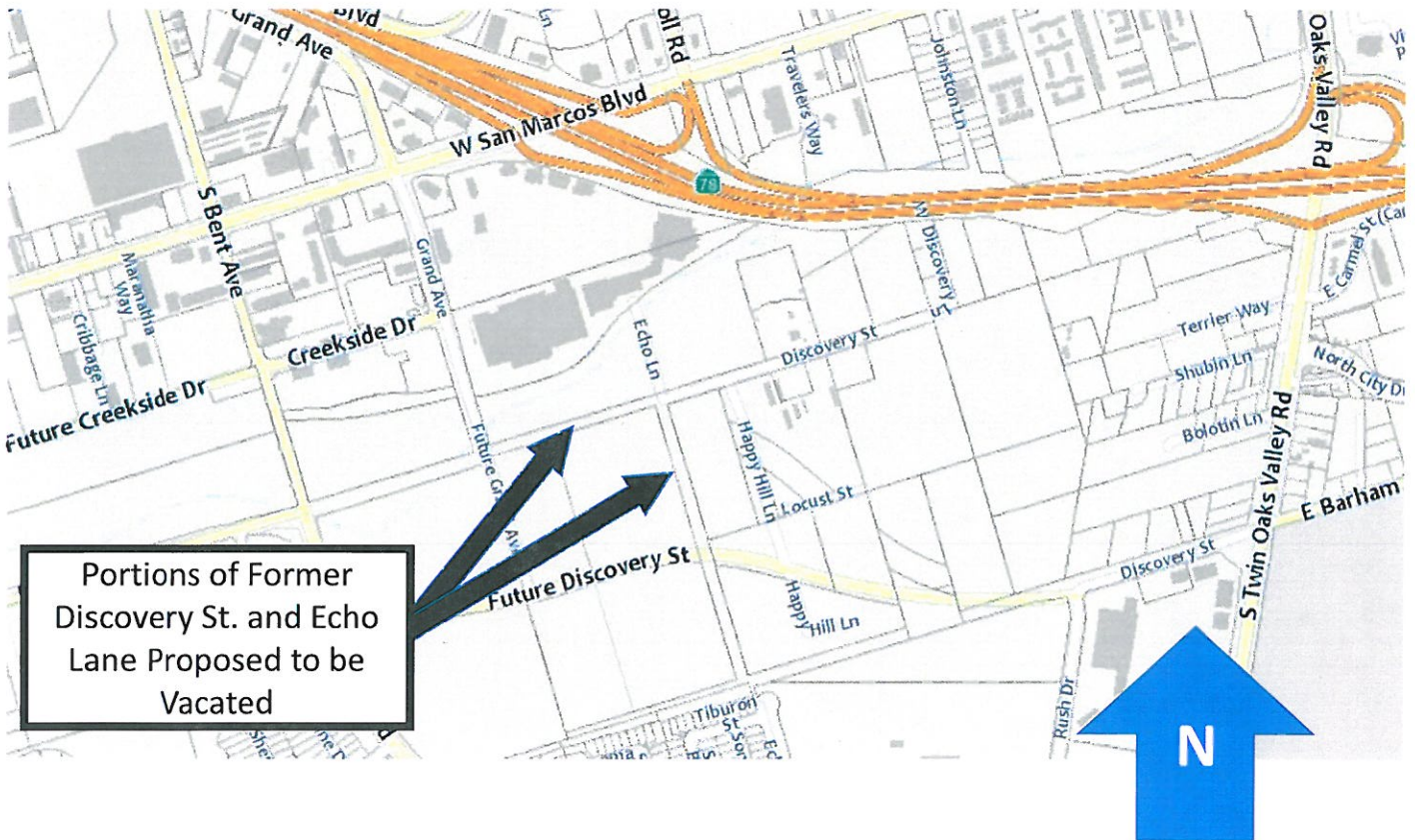
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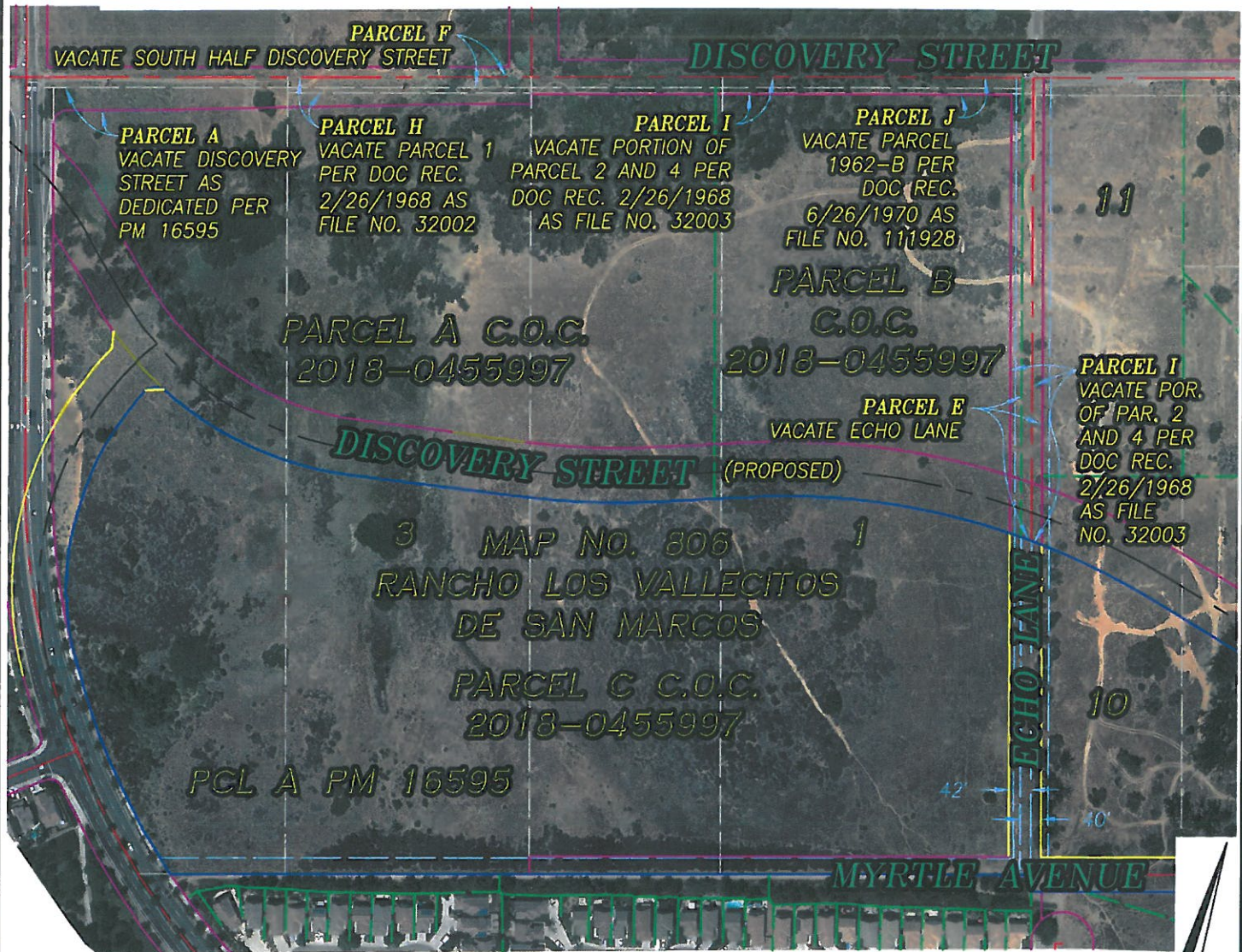
EXHIBIT "B"



Attachment 'A'
Vicinity Map



ATTACHMENT B
VACATION OVERVIEW EXHIBIT



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**HUNSAKER
& ASSOCIATES**
SAN DIEGO, INC.

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GENERAL STREET VACATIONS
DISCOVERY VILLAGE SOUTH
CITY OF SAN MARCOS